

Mar 24 2017

Women's Rights in Retrograde: Understanding the Contentious Politics of Gender Violence Law in Nicaragua

dhananit

By Pamela Neumann, Ph.D.*

Last month, Russian President Vladimir Putin [approved a new law](#) reducing the penalty for some forms of domestic abuse from a prison sentence to a fine. Although the legislation has been roundly [criticized](#) by international [human rights observers](#), Russia's move to decriminalize certain forms of domestic violence is not unique. For the last several years, a similar situation has been unfolding in Nicaragua, where a comprehensive law addressing gender-based violence (Law 779) passed in 2012, has been systematically weakened via legislative action and presidential decree. At the time, women's organizations viewed Law 779 as a culminating achievement following decades of advocacy, but [today](#) that law is little more than *papel mojado* (wet paper). For the last five years, I have been closely following the trajectory of Law 779 as part of my broader [research](#) examining [women's experiences with the legal justice system](#) in Nicaragua. The story of how a landmark law against gender-based violence was undermined in Nicaragua is a cautionary tale about the precariousness of women's legal gains in political environments in which conservative religious actors wield [substantial influence](#). It may foreshadow some of the challenges that women's movements in other Latin American countries like [Brazil](#), [Argentina](#), and [Peru](#) could face in defending women's rights given the wave of new [center-right governments](#) in the region.

Law 779 originated with a campaign by local women's organizations in Nicaragua who were deeply concerned about rising rates of femicide and high levels of impunity in the country. In the midst of these women grassroots efforts, the government formed its own inter-agency commission to study the issue. These dual processes (one from below, the other from above) led to the drafting of two legislative proposals that eventually became the Ley Integral Contra La Violencia Hacia Las Mujeres (Law 779), which went into effect in June 2012.

Law 779 expanded the legal definition of violence against women, established special prosecutors and courts to hear gender-based violence cases, and introduced new protections for female victims. One of the law's most important provisions was the elimination of mediation. Prior to Law 779, mediation was commonly used by Nicaraguan police to informally settle disputes between female victims and the accused. According to local women's organizations, this practice only put the lives of women in further jeopardy.

When the details of the law became known, it was the ban on mediation that generated the most controversy. Conservative religious leaders denounced Law 779 as an attack on evangelical values, discriminatory against men, and a tool that would destroy families. One bishop went so far as to compare Law 779 to "[the number of the beast](#)," a biblical reference to the end times. A challenge to the law was filed in the Nicaraguan Supreme Court, which subsequently ruled that the law was constitutional, but the article prohibiting mediation would need to be revised. The National Assembly responded in 2013 by passing a reform of Law 779, which reinstated mediation under limited circumstances (for first time and minor offenses). Then, in 2014, President Daniel Ortega issued an executive order mandating the formation of community councils to resolve domestic violence disputes. According to the presidential decree, women would be obligated to seek "family counseling" via these councils and/or the Ministry of the Family before filing a legal complaint with police.

These changes outraged local feminists, who argued that they represented a [direct violation](#) of regional agreements signed by Nicaragua, such as the 1994 Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women. Yet they were wholly consistent with the religious and pro-family discourse that Ortega has maintained since forming a strategic political alliance with prominent Catholic and evangelical leaders in the early 2000s.

The Catholic Church in Nicaragua has been called "[the fifth branch of government](#)" because of its historical political influence. Prior to the country's 2006 presidential election, Ortega and his long-time partner Rosario Murillo (and [now vice-president](#)) were officially married in the Catholic Church. This act cemented Ortega's alliance with his powerful long-time critic Cardinal Miguel Obando y Bravo, who was [later appointed](#) head of the government's Peace and Reconciliation Commission. Ortega has also reached out to evangelicals, who have become an increasingly influential group in Nicaraguan society, now comprising [approximately 30%](#) of the population. During the 2011 presidential campaign, Ortega adopted the slogan "Christian, Socialist, Solidarity," and at least one prominent group of evangelicals [issued a public statement](#) in support of Ortega. In recent months, some prominent intellectuals in Nicaragua have [criticized](#) evangelical leaders for their silence on the Ortega government's [crackdown on dissent](#). For the most part, however, conservative religious leaders in Nicaragua enjoy widespread favour and respect within the population.

Forty years ago, there was a brief window during which the trajectory of gender relations in Nicaragua might have been radically shifted. The triumph of the Sandinista revolution in 1979 gave birth to a strong popular class consciousness in Nicaragua, but that same kind of critical consciousness was far less widespread on gender-related issues. Then, as now, the Sandinistas were led by Daniel Ortega, but at that time, they faced a powerful counter-revolutionary force backed by U.S. military power which forced the government to devote the vast majority of its resources to survival rather than social and economic reforms. Today, Ortega faces no comparable threats, but he still remains uncommitted—and at times, openly hostile—to implementing reforms that would advance women's rights efforts, preferring instead to maintain the alliances which keep him in power. In such a climate, the church's traditional teaching about appropriate gender roles and sexual behavior continue to hold sway, and even made its way onto the bulletin boards of some government offices I visited during my research. Likewise, local outcry over issues like the country's [total ban on abortion](#) (in effect since 2006) has been limited to a small but vocal group of women's organizations.

Just a few months ago, the Nicaraguan government took an even more [drastic step](#), shutting down the specialized police units established to investigate domestic violence cases, supposedly due to lack of funds. Local women's organizations have publicly [denounced](#) this move, but to no avail thus far. Looking back, the events of the last four years in Nicaragua make clear the fragility of women's legal gains, especially on the issue of gender-based violence. Nicaragua's history shows that progress is neither linear nor inevitable. Vigilance is required to ensure that women's voices are heard and their rights protected.

Works Cited

- Aizenmen, N.C. 2016. "Nicaragua's Total Ban on Abortion Spurs Critics." *Washington Post*. 28 November. <http://www.washingtonpost.com/wp-dyn/content/article/2006/11/27/AR2006112701577.html>
- Amnesty International. "Russia: Domestic Violence Law Puts Women at Greater Risk." 8 February 2017. <https://www.amnesty.org/en/latest/news/2017/02/russia-domestic-violence-law-puts-women-at-greater-risk/>
- Aragon, Rafael. 2011. "¿Es cristiano el proyecto del gobierno de Daniel Ortega? ¿Y cuál es el proyecto de la Iglesia?" *Envío Magazine* (Nicaragua). <http://www.envio.org.ni/articulo/4320>
- Cerda, Arlen and Danae Vilchez. 2016. "Campesinos resisten represión con valentía." 30 November. *Confidencial*. <https://confidencial.com.ni/campesinos-resisten-represion-y-avanzan/>
- Chamorro, Emiliano. 2016. "El silencio de los pastores evangélicos ante la crisis del país." 13 December. *La Prensa*. <http://www.laprensa.com.ni/2016/12/13/politica/2149400-silencio-los-pastores-evangelicos>
- "Demandan Apertura de las Comisarias de la Mujer." 23 November 2016. *La Prensa* (Nicaragua). <http://www.laprensa.com.ni/2016/11/23/lptv/2139545-demandan-apertura-de-comisarias>
- "Evangélicos apoyan a Daniel y plantean alianza" 31 October 2011. Radio La Primerísima. <http://www.radiolaprimerisima.com/noticias/109187/evangelicos-apoyan-a-daniel-y-plantean-alianza>
- "IACHR Takes Case Involving Nicaragua to the Inter-American Court." 26 September 2016. Organization of American States. http://www.oas.org/en/iachr/media_center/PReleases/2016/138.asp
- Jubb, Nadine. 2014. "Love, Family Values, and Reconciliation for All, But What about Rights, Justice, and Citizenship for Women? The FSLN, the Women's Movement, and Violence against Women in Nicaragua" *Bulletin of Latin American Research* 33(3): 289-304.
- Kampwirth, Karen. 2014. *Latin America's New Left and the Politics of Gender: Lessons from Nicaragua*. Springer.
- Luna, Yader. 2015. "Crece población evangélica en Nicaragua." 16 January. *El Nuevo Diario*. <http://www.elnuevodiario.com.ni/nacionales/339425-crece-poblacion-evangelica-nicaragua/>
- Molyneux, Maxine. 1985. "Mobilization without Emancipation? Women's Interests, the State, and Revolution in Nicaragua." *Feminist Studies* 11(2): 227-254.
- Nechepurenko, Ivan. 2017. "Russia Moves to Soften Domestic Violence Law." 25 January. *New York Times*. https://www.nytimes.com/2017/01/25/world/europe/russia-domestic-violence.html?_r=2
- Neumann, Pamela. 2017. "When Laws are Not Enough: Violence against Women and Bureaucratic Practice in Nicaragua." *Social Forces* 95 (3): 1105-1125.
- "Nicaragua's Daniel Ortega Wins Third Term, Wife to Serve as VP." 7 November 2016. Associated Press. <http://www.nbcnews.com/news/latino/nicaraguas-daniel-ortega-wins-third-term-wife-serve-vp-n678766>
- "Obando asume Comisión de Reconciliación, Paz y Justicia." 9 May 2007. *El Nuevo Diario*. <http://archivo.elnuevodiario.com.ni/nacional/209604-obando-asume-comision-reconciliacion-paz-justicia/>
- "Obispo Sándigo propone revisión de Ley 779." 10 May 2013. *El Nuevo Diario*. <http://www.elnuevodiario.com.ni/nacionales/285636-obispo-sandigo-propone-revision-ley-779/>
- Romero, Elizabeth. 2016. "Comisariías pasarían a Auxilio Judicial como parte de cambios en la Policía Nacional." 29 January. *La Prensa*. <http://www.laprensa.com.ni/2016/01/29/nacionales/1977560-comisarias-pasarian-auxilio-judicial-parte-cambios-la->

[policia-nacional](#)

Sharma, Ruchir. 2016. "The Anti-incumbency wave is changing the politics of Latin America." *Time*. 6 June. <http://www.time.com/4358194/the-anti-incumbency-wave-is-changing-the-politics-of-latin-america/>

Van Note, Sara. 2015. "The Promise of Justice is Receding, Nicaraguan Women Say." 10 September. Public Radio International. <https://www.pri.org/stories/2015-09-10/promise-justice-receding-nicaraguan-women-say>

**Pamela Neumann is a Post-Doctoral Fellow at the Stone Center for Latin American Studies at Tulane University in the United States.*

This entry was posted in [Discrimination](#), [Gender](#), [Law](#), [Women's rights](#) and tagged [discrimination](#), [gender](#), [law](#), [women's rights](#). Bookmark the [permalink](#).